IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No. 10596 of 2002

Between:

Venkatagiri Gram Panchayat Tax Payers Association Rep. by its President K. Kabir Das S/o. Chenchaiah
R/o. Venkatagiri Village, Nellore District.

..... PETITIONER

AND

1. The District Collector, Nellore, Nellore District.
2. The District Panchayat Officer
Nellore, Nellore District.
3. The Gram Panchayat, rep. by its Sarpanch,
Venkatagiri, Nellore District.
4. The Panchayat Secretary,
Venkatagiri, Nellor District.
5. Gundu Subba Rao S/o. Venkata Swamy
R/o. 8- 158, Kasipet, Venkatagiri,
Nellore District.
6.Gundu Ram Prasad S/o. Gundu Subba Rao
R/o. 8- 158, Kasipet, Venkatagiri,
Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order, or direction more particularly one in the nature of Writ of

Mandamus declaring the action of Respondents 1 to 4 for not initiating action against 5th and 6th Respondents for illegal and unauthorized occupation of gram panchayat land in S.No. 279 (bearing no. 4-241, Narasimha Rao Street, Venkatagiri, Nellore Dist) as bad, arbitrary and also offends the provisions of Constitution of India apart from A.P. Panchayat Raj Act, 1994 and consequently direct the respondents to take possession of the land in Survey number 279 Venkatagiri Gram Panchayat as per law.

Counsel for the Petitioner: Mr.A.V.S.Satish Babu

for Ms. M.VIDYAVATHI

Counsel for the Respondent Nos. 1 &2: None appeared.

Counsel for Respondents 3 & 4: Mr.P.Venkata Rao

Counsel for Respondents 5 & 6: Mr.P.Gangarami Reddy

The Court made the following :

ORAL ORDER:

(per Honourable Sri Devinder Gupta, the Chief Justice)

The Writ Petition has been filed by the Venkatagiri Gram Panchayat Tax Payers Association, represented by its President to declare the action of Respondents 1 to 4 in not initiating action against Respondents 5 and 6 for the alleged unauthorized occupation of gram panchayat land in Survey No. 279 as bad and arbitrary, and, has sought direction against respondents to take possession of the land. Petitioner had made reference to the resolution dated: 23.11.1981 passed by the Gram Panchayat resolving to approach the court for taking possession of the land in Survey No. 279 of Venkatagiri Gram Panchayat as per law.

Counter-affidavit has been filed by M.Mallikarjuna Reddy, Panchayat Secretary, respondent No.4, stating that there was no election to the Venkatagiri Gram Panchayat for the last 15 years. The Panchayat was administered by Special Officers. Elections were conducted in August, 2001. The new Board assumed office on 21.8.2001. Many irregularities were reported during 15 years of administration, prior to the formation of the Board. It is stated that the present Board is taking all steps to remove encroachments, which came to its notice. It is also stated that in

place of Executive Officer, institution of Secretary had come into existence from 1.4.2002. It is stated that the Gram Panchayat is ready to remove encroachments, if any, and, in the instant case, the official and non-official members will enquire into the allegations made against respondents 5 and 6 and if encroachment is detected, they will be evicted by due process of law.

Respondents 5 and 6 in their affidavit in reply have denied that the land in question belongs to the Gram Panchayat. They state that it is a private land and Respondents 1 to 4 have nothing to do with it.

We take the statement of Respondents 3 and 4 on record and direct that, in case, on enquiry, it is found that any of its land has been encroached, Respondents 3 and 4 will take appropriate action in accordance with law to ensure that its land is kept free of encroachments.

The Writ Petition, therefore, is disposed of. No costs.

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DEVINDER GUPTA, C.J.

24.1.2005

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M.NARAYANA REDDY, J.

VR.

To

1.The District Collector, Nellore, Nellore District.
2. The District Panchayat Officer
Nellore, Nellore District.
3. The Gram Panchayat, rep. by its Sarpanch,
Venkatagiri, Nellore District.
4. The Panchayat Secretary,
Venkatagiri, Nellor District.
5. Two CD copies.